

REMARKS

This application has been carefully reviewed in light of the Office Action mailed January 15, 2003. To expedite issuance of this application, Applicants have amended the title, amended the abstract, and made clarifying amendments to Claims 1, 8, and 15. Applicants have added new Claims 20-22. None of these changes is considered necessary for patentability. Applicants respectfully request reconsideration and allowance of all pending claims.

Applicants are Unaware of Errors in the Specification

The Examiner states, "The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification."

Applicants are unaware of minor errors in the specification and, therefore, have not corrected any minor errors in the specification. Applicants respectfully request that, if the Examiner is aware of any particular minor errors in the specification, the Examiner indicate those errors to Applicants.

**Applicants' Claims are Patentably Distinct from Claims 12-28
of U.S. Patent No. 6,396,042.**

The Examiner rejects Claims 1-19 of the present application under the doctrine of obviousness-type double patenting as being unpatentable over Claims 12-28 of U.S. Patent No. 6,396,042 to Boardman et al. ("*Boardman*"). Applicants respectfully submit that Applicants' claims, as amended, are patentably distinct from Claims 12-28 of *Boardman*. Applicants respectfully request reconsideration and allowance of Claims 1-19.

Applicants' Claims are Allowable over *Keightley*

The Examiner rejects Claims 1, 3, 4, and 8 under 35 U.S.C. § 102(b) as being anticipated

by U.S. Patent No. 5,363,217 to Keightley ("*Keightley*") and rejects Claims 2, 5-7, and 9-19 under 35 U.S.C. § 103(a) as being unpatentable over *Keightley*. Applicants respectfully disagree. *Keightley* discloses that a lead screw 13 driven by motor 16 causes linear movement of the motor 16 back and forth and that the input lens 12, the motor 16, the 45° mirror, and the ellipsoidal mirror 24 all move with the motor. (Column 3, Lines 21-23 and 45-47).

In contrast, independent Claim 1 of the present application, as amended, recites:

Apparatus for scanning a beam of light in a digital image recorder, comprising:

a curved writing surface translating in at least one direction relative to a stationary frame;

a rotatable shaft having a first reflective surface not translating in the at least one direction relative to the stationary frame; and

a light source emitting a beam of light directed to the reflective surface for reflection to the curved writing surface.

Independent Claims 8 and 15, as amended, recite certain substantially similar limitations. *Keightley* fails to disclose, teach, or suggest limitations recited in independent Claim 1. As an example, *Keightley* clearly fails to disclose, teach, or suggest "***a curved writing surface translating*** in at least one direction relative to a stationary frame" and "***a rotatable shaft having a first reflective surface not translating*** in the at least one direction relative to the stationary frame" as recited in independent Claim 1. *Keightley* instead discloses two mirrors that both move linearly with a motor.

For at least these reasons, independent Claims 1, 8, and 15, are patentably distinct from *Keightley*, whether *Keightley* is considered alone or in combination with any other cited reference or with knowledge that was generally available to those having ordinary skill in the art at the time of the invention. Accordingly, Applicants respectfully request allowance of independent Claims 1, 8, and 15 and all their dependent claims.

CONCLUSION

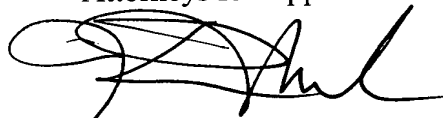
For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case, the Examiner is invited to call Kevin J. Meek, attorney for Applicants, at 214.953.6680.

A check in the amount of \$36.00 is enclosed for two new claims over twenty total. Applicants believe no other fees are due. Nonetheless, the Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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